

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

N.D., et al.,

Plaintiff,

v.

CHRIS REYKDAL, et al.,

Defendants.

CASE NO. 2:22-cv-01621-LK

ORDER REQUIRING UPDATED
NOTICE TO THE CLASS AND
RESCHEDULING FINAL
FAIRNESS HEARING

This matter comes before the Court on the parties' Joint Status Report, Dkt. No. 108, which the parties filed at the Court's request, Dkt. No. 107. For the reasons set forth below, the Court orders Defendants to provide updated notice to the class and reschedules the final fairness hearing to allow more time for such notice and any objections.

I. BACKGROUND

On November 22, 2024, the Court granted Plaintiffs' motion for preliminary approval of the class action settlement and certification of a settlement class. Dkt. No. 95. As relevant here, that order set a December 6, 2024 deadline for local education agencies ("LEAs") to mail direct

1 notice of the settlement to class members, a February 4, 2025 deadline for class members to file
2 objections, and a February 26, 2025 final fairness hearing. *Id.* at 20–21. Plaintiffs subsequently
3 filed motions for final approval of the settlement and for attorney’s fees and costs. Dkt. Nos. 96,
4 99. Because those filings and accompanying declarations did not state that the LEAs mailed notices
5 by December 6, 2024 as the Court ordered, the Court requested a declaration from a person with
6 knowledge of the issue. Dkt. No. 105. In response, Defendants filed a declaration from an official
7 with the Office of Superintendent of Public Instruction (“OSPI”) stating that the LEAs did not mail
8 timely notice to 80 students. Dkt. No. 106 at 2. The Court thus ordered the parties to file a joint
9 status report addressing whether the Court should postpone the final fairness hearing, extend the
10 deadlines for class members to file objections and for the parties to respond to any such objections,
11 and require updated notice to class members that includes the continued dates. Dkt. No. 107.

12 In their joint status report, the parties “agree that continuing the final fairness hearing, as
13 well as an updated notice scheme, would best serve the members of the class.” Dkt. No. 108 at 1.
14 They propose an updated schedule and notice template. *Id.*; Dkt. No. 108-1. They note that the
15 delay in providing notice was due in part to the “need of LEAs to translate the notices into at least
16 ten different languages to ensure those class members fully understood the notice.” Dkt. No. 108
17 at 2. The parties request additional time to provide “an initial ‘heads up’ to LEAs that a new notice
18 will be forthcoming” and give OSPI “sufficient time to translate the notice for the LEAs, rather
19 than relying on the LEAs to do it themselves.” *Id.* In addition, an extension “would increase the
20 opportunity for class members to object to the settlement or to seek compensatory education prior
21 to this Court granting final approval.” *Id.* They note that because so far, only 14 individuals have
22 sought compensatory education and no objections have been filed, “updated information from a
23 longer period of time would better help this Court determine whether the agreement is ‘fair,
24 reasonable, and adequate.’” *Id.*

1 The parties also propose an updated notice template. *Id.* at 4–5. The proposed changes
2 clarify some language, explain that class members who have already responded do not need to do
3 so again, and include a requested response date. *Id.*


4 II. DISCUSSION

5 Even though notice is not required here, the Court can require “appropriate notice” “to
6 protect class members and fairly conduct the action” at “any step in the action[.]” Fed. R. Civ. P.
7 23(d)(1)(B)(i). The Court ordered notice here to apprise class members of the significant benefits
8 available to them and because “the class members’ reaction to receiving the notice will be key in
9 determining the value of the settlement to the class.” Dkt. No. 95 at 19.

10 The Court has reviewed the contents of the updated direct notice, Dkt. No. 108-1, and finds
11 that it is reasonably calculated to notify class members of their rights. The Court therefore approves
12 the updated direct notice. Although the parties attached only the proposed amended *direct* (mailed)
13 notice to their joint status report, the Court directs them to make the same changes to the *general*
14 notice, Dkt. No. 92-1 at 9–12, except they do not need to add the new paragraph about why “you
15 were selected to receive this notice,” Dkt. No. 108 at 4, to the general notice. Additionally, the
16 parties must make two changes to both notices: they must (1) add the time of the final fairness
17 hearing (in addition to the date), and (2) delete the suite number from the address where the final
18 hearing “is scheduled to take place” and replace it with “Courtroom 15106.” The Court also directs
19 the parties to disseminate the direct and general notices according to the methods set forth in the
20 Settlement Agreement, Dkt. No. 92-1 at 1, and according to the timing set forth below.
21 Accordingly, the Court approves the updated notices and the previously proposed methods for
22 providing notice to the class, and orders the following updated plan, which gives class members a
23 full and fair opportunity to examine and object to the Settlement Agreement and to Plaintiffs’
24 motion for attorney’s fees:

Event	Deadline
Deadline for OSPI to provide initial notice to LEAs that a new notice must be sent.	1 business day from issuance of this order of continuance (February 24, 2025)
Deadline for OSPI to provide the template notice and translations to the LEAs, to direct LEAs to provide to provide notice to class members, to publish new notice on OSPI's website and in its regular bulletins, and to send the same notice to disability advocacy organizations	15 business days from issuance of this order of continuance (March 14, 2025)
Deadline for LEAs to mail new notice to class members ("Mailing date")	10 days after receiving template and direction from OSPI (March 24, 2025)
Deadline for Class Members to file or mail any objections to the settlement ("Notice Deadline")	60 days after Mailing Date (May 23, 2025)
Deadline for parties to file responses to Class Member objections, and to file a declaration with confirmation of compliance with the notice scheme and updated numbers of students who have declined compensatory education, continue to be served in school, have requested an IEP meeting to discuss compensatory education, or have not responded to the notice.	7 days after Notice Deadline (May 30, 2025)
Final Fairness Hearing	June 17, 2025 at 10:00 a.m.

Dated this 21st day of February 2025.



Lauren King
United States District Judge